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Attorney for Defendants  
FRY'S ELECTRONICS, INC. and  
NIGHT OWL SP, LLC

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

OAKLEY, INC., a Washington  
corporation,

Plaintiff,

v.

FRY'S ELECTRONICS, INC. a  
California corporation, and NIGHT OWL  
SP, LLC, a Florida corporation,

Defendants.

Civil Action No.  
13CV1292 DMS (WMc)

**JOINT MOTION FOR  
DISMISSAL OF DEFENDANTS  
FRY'S ELECTRONICS, INC.  
AND NIGHT OWL SP, LLC  
PURSUANT TO FED. R. CIV. P.  
41(a)(1)(A)(ii)**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiff, Oakley, Inc. ("Oakley") and Defendants Fry's Electronics, Inc. and Night Owl SP, LLC. ("Defendants"), acting through their respective counsel of record, hereby stipulate to the dismissal with prejudice of all claims currently pending in the above-captioned action.

This Joint Motion of Dismissal is submitted pursuant to a Confidential Settlement Agreement between Oakley and the Defendants. Oakley and the Defendants have each agreed to bear their own costs, expenses, and attorney fees. The parties request that the Court retain jurisdiction over this matter to enforce compliance with the Settlement Agreement.

**IT IS SO STIPULATED**

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 4, 2013 By: /s/ Ali S. Razai

Michael K. Friedland  
Ali S. Razai  
Laura E. Hall

Attorneys for Plaintiff  
OAKLEY, INC.

MIRICK, O'CONNELL, DEMALLIE &  
LOUGEE, LLP

Dated: September 4, 2013 By: /s/ Kenneth C. Pickering (with permission)

Kenneth C. Pickering  
Attorney for Defendants  
FRY'S ELECTRONICS, INC. and  
NIGHT OWL SP, LLC

PROOF OF SERVICE

On September 4, 2013, I caused **JOINT MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT** to be electronically filed with the Clerk of the Court using the CM/ECF system.

On September 4, 2013, I served the within **JOINT MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT** on the parties or their counsel shown below, by placing it in a sealed envelope addressed as follows:

**VIA E-MAIL AND MAIL TO:**

Kenneth C. Pickering  
kcpickering@modl.com  
MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP  
100 Front Street  
Worcester, MA 01608-1477

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on September 4, 2013 at Irvine, California.

/s/Ali S. Razai

Ali S. Razai

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